

REMARKS

Applicants have received and carefully reviewed the Final Office Action mailed July 26, 2004. Claims 150, 153-159, and 162-165 remain pending, with claims 150, 153, 155-157, 162, and 164 amended in accordance with the Office Action. Claims 1-149, 151, 152, 160, and 161 have been cancelled without prejudice. Reconsideration and reexamination are respectfully requested.

As a preliminary matter, a Revocation of Prior Powers of Attorney and Power of Attorney was submitted on December 29, 2003(a copy is attached herewith including an OIPE date-stamped postcard), but no corresponding Notice of Acceptance of Power of Attorney has been received, and further, the July 26, 2004 Final Office Action was mailed to prior counsel. Applicants request entry of the Revocation of Prior Powers of Attorney and Power of Attorney.

Applicants note that an Information Disclosure Statement, accompanied by a \$180 fee, was filed with the previous Amendment. The PAIR system indicates that the IDS was received on June 2, 2004. However, an initialed copy of form 1449 submitted with the IDS was not attached to the Office Action. Applicants request that the references in the IDS be considered prior to, and an initialed form 1449 be sent to Applicants in conjunction with, any further action in the present application.

In paragraph 1 of the Office Action, claim 153 was objected to for interchangeably using “rhythm” with “cardiac cycle”. Applicants have amended claim 153 in a manner such that it is believed the objection is overcome.

In paragraph 2 of the Office Action, claims 164-165 were objected to for informalities, particularly, that claim 164 did not end with a period, instead ending with a semicolon. Claim 164 has been amended to remedy the informality, and it is believed the objection is overcome.

In paragraphs 3-5 of the Office Action, claim 152 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to its recitation of “the device electrode.” In paragraph 10 of the Office Action, the Examiner suggested combining claims 152 and 151 with base claim 150, which the Applicants have done. It is believed that the amendment has been carried out in a manner that overcomes this §112 rejection, as the device electrode is now introduced earlier in the claim.

In paragraphs 6, 7 and 8, various claim rejections under 35 U.S.C. §103(a) were stated. Applicants reserve the right to present the rejected claims in a later application, but choose to prosecute the present application to enable a patent to issue to the allowable claims noted in paragraphs 10-13 of the Office Action. In light of the above amendments and the Examiner’s remarks in paragraphs 10-13, the §103 rejections are believed overcome.

In paragraph 10 of the Office Action, claim 152 was noted as being allowable if rewritten to incorporate the base claim and claim 151 in a manner to overcome the above noted §112 rejection. Claims 151 and 152 have been incorporated into claim 150. Claim 150 has been amended to add a comma to the preamble, remedying a minor grammatical error. In light of these amendments and the Examiners remarks in paragraph 10 of the Office Action, claim 150, as well as dependent claims 154-156, is believed to be in condition for allowance.

In paragraph 11 of the Office Action, claim 153 was noted as being allowable if amended to overcome the above-noted objection to a minor informality, and if amended to incorporate its base claim. Claim 153 has been amended to incorporate claim 150, its former base claim, and to correct the use of cardiac cycle for consistency. In light thereof, claim 153 is believed to be in condition for allowance.

In paragraph 12 of the Office Action, claim 161 was noted as being allowable if amended to incorporate its base claim. Claim 157 has been amended to incorporate claim 161 and intervening claim 160. Therefore, it is believed that claim 157, as well as dependent claims 158, 159, 162 and 163, is now in condition for allowance.

Claim 162 has been amended to modify its dependency in light of the cancellation of claim 160.

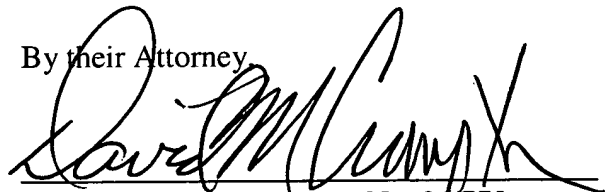
In paragraph 13 of the Office Action, claims 164-165 were noted as being allowable if the above-noted minor informality was corrected. Applicants have corrected the informality in claim 164, and claims 164-165 are believed to be in condition for allowance.

In light of the above amendments and remarks, it is believed that each of claims 150, 153-159, and 162-165 are in condition for allowance. Consideration, examination, and allowance of all pending claims are respectfully requested. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

Alan H. Ostroff et al.

By their Attorney,



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Date: 9/21/04

Attachment: Copy of Revocation of Prior Powers of Attorney and Power of Attorney including OIPE date-stamped postcard.

COPY



This will hereby acknowledge receipt of the following documents by the Assist. Comm. of Patents and Trademarks:

Transmittal Letter, and Revocation of Prior Powers of Attorney and Power of Attorney

with respect to the following:

Applicant: Alan H. Ostroff et al.

Serial No.: 10/015,202

Filing Date: November 5, 2001

For: CURRENT WAVEFORMS FOR ANTI-TACHYCARDIA PACING FOR A
SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR

Docket No.: 1201.1136101

DMC/klb
12/29/2003

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COPY
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alan H. Ostroff et al.

Serial No.: 10/015,202

Examiner: Unknown

Filed: November 5, 2001

Group Art Unit: 3762

For: CURRENT WAVEFORMS FOR ANTI-TACHYCARDIA PACING FOR A
SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-DEFIBRILLATOR

Docket No.: 1201.1136101 (formerly 032580.0045.CIP)

REVOCATION OF PRIOR POWERS OF ATTORNEY
AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 29th day of December, 2003.

By David M. Crompton

David M. Crompton

Dear Sir:

Cameron Health, Inc., the owner of the entire right, title and interest in and to the above-identified patent/application, hereby revokes all previous powers of attorney and appoints the following attorneys and/or agents to prosecute the above-identified patent or application, including all continuations and divisionals thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: David M. Crompton, Reg. No. 36,772; Glenn M. Seager, Reg. No. 36,926; Brian N. Tufte, Reg. No. 38,638; J. Scot Wickhem, Reg. No. 41,376; John Shudy, Jr., Reg. No. 31,214; Brian C. Whipps, Reg. No. 43,261; Mark R. Schroeder, Reg.

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No. 53,566; James G. Rodgers, Reg. No. 48,306; Michael Reinhardt, Reg. No. 47,896; Michael J. McGrath, Reg. No. 48,402; Kevin C. Harrison, Reg. No. 46,759; and Sean P. McGeehan, Reg. No. 48,537.

Pursuant to 37 C.F.R. §3.73(b), Cameron Health, Inc., a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, recorded on March 8, 2002, at Reel 012674, Frame 0325.

Address all telephone calls to David M. Crompton at telephone number (612) 677-9050.

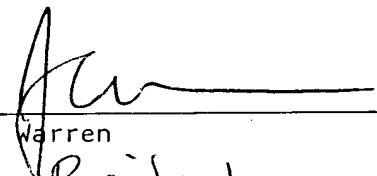
Address all correspondence to David M. Crompton, Customer No. 28075.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

CAMERON HEALTH, INC.

Date: 16/DEC/03

By: 
Jay Warren
Title: President